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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,556	12/08/2003	Timothy D. Sporre	758.1631US01	5063

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Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

EXAMINER
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PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/731,556

Applicant(s)

SPORRE ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/6/05 &amp; 7/5/05</u> | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-19 are rejected under 35 U.S.C. 102(b) as being anticipated by either the Switzerland Patent (CH 689632 A5) or Axelsson et al (4,033,732).

The Switzerland reference teaches an apparatus for cleaning the air filters having a valve (31) comprising a valve body (30) defining a fluid passage (see Fig. 2), a mounting flange (33) interconnected to the valve body (30), a plurality of openings (39) formed between the mounting flange and the valve body (30), the openings being in fluid communication with the fluid passage of the valve body and a diaphragm (32) selectively positionable in open and closed positions to control fluid communication through the fluid passage of the valve body (see details of Fig. 2). Axelsson et al teach an apparatus for cleaning fabric filters of bag type with a reverse flow of a gaseous medium where cleaning action is achieved by applying gaseous medium to the surface of the fabric opposite the dust collection surface in pulses reaching a high maximum value in as short a time as possible comprising a valve means comprising a valve body defining a fluid passage, a mounting flange interconnected to the valve body, a plurality of openings formed between the mounting flange and the valve body, the openings being in fluid communication with the fluid passage of the valve body and a diaphragm (11) selectively positionable in open and closed positions to control fluid communication

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through the fluid passage of the valve body (see details of Fig. 5, col. 3, line 39 through col. 4, line 49).

Regarding to the “wedge construction” of the diffuser arrangement of claim 9, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to design the diffuser to have any kind of configuration such as wedges, or circular or conical shapes or any other designs since it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modification. Eskimo Pie Corp v. Levous et al 3 USPQ 23.

Regarding to claim 19, the limitations in the preamble have not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951).

#### ***Allowable Subject Matter***

Claims 1-8 allowed.

The following is an examiner's statement of reasons for allowance: None of the prior arts discloses a filter cleaning system comprising a nozzle including a diffuser that separates the primary fluid jet into multiple jets, and a blowpipe that provides fluid communication between the nozzle and the valve wherein the blowpipe is configured to position the nozzle adjacent to the front of the filter and to position the valve adjacent to the back of the filter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments filed on July 5, 2005 have been fully considered but they are not persuasive.

Applicants argues that none of the cited references Bach et al and Elliott et al discloses the limitations as claimed in claims 9-19. The Examiner now drops both the Bach et al and Elliott et al references and newly introduces the Switzerland Patent (CH 689632 A5) or Axelsson et al (4,033,732) under the 102(b) rejections to show that: The Switzerland reference teaches an apparatus for cleaning the air filters having a valve (31) comprising a valve body (30) defining a fluid passage (see Fig. 2), a mounting flange (33) interconnected to the valve body (30), a plurality of openings (39) formed between the mounting flange and the valve body (30), the openings being in fluid communication with the fluid passage of the valve body and a diaphragm (32) selectively positionable in open and closed positions to control fluid communication through the fluid passage of the valve body (see details of Fig. 2). Axelsson et al teach an apparatus for cleaning fabric filters of bag type with a reverse flow of a gaseous medium where cleaning action is achieved by applying gaseous medium to the surface of the fabric opposite the dust collection surface in pulses reaching a high maximum value in as short a time as possible comprising a valve means comprising a valve body

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defining a fluid passage, a mounting flange interconnected to the valve body, a plurality of openings formed between the mounting flange and the valve body, the openings being in fluid communication with the fluid passage of the valve body and a diaphragm (11) selectively positionable in open and closed positions to control fluid communication through the fluid passage of the valve body (see details of Fig. 5, col. 3, line 39 through col. 4, line 49).

Regarding to the "wedge construction" of the diffuser arrangement of claim 9, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to design the diffuser to have any kind of configuration such as wedges, or circular or conical shapes or any other designs since it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modification. Eskimo Pie Corp v. Levous et al 3 USPQ 23.

Regarding to claim 19, the limitations in the preamble have not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951).

Claims 1-8 is allowed and the reason for allowance is indicated above.

Applicant's arguments with respect to claims 9-19 have been thoroughly considered but are moot in view of the new ground(s) of rejection as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit: 1724**  
**December 29, 2005**